

CLAIM STATUS

Claim 2 was previously cancelled. Claims 3, 13, 15, and 19 were previously withdrawn.

Claims 1 and 20-22 are currently amended. Specifically, claims 1 and 20-22 are amended to clarify that the tubular member, which is disposed over the tissue graft and around the first stent, retains the tissue graft disposed on the first stent solely by compressive forces, wherein the compressive forces are provided at least by an outward expansion of the first stent. Support for this amendment may be found throughout the specification, including at page 6, lines 1-5 and 23-30.

No new matter has been added.

Claims 1, 4-12, 14, and 16-18, and 20-22 are pending.

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants thank Examiner Prone for the courteous and helpful in-person interview on March 30, 2009 with Applicants' representatives, Rich Godlewski and Janet A. Pioli. During the interview, U.S. Pat. No. 5,865,723 to Love (Love), U.S. Pat. No. 5,891,193 to Robinson et al. (Robinson et al.), U.S. Pat. No. 6,214,039 to Banas et al. (Banas et al.), U.S. Pat. No. 6,358,284 B1 to Fearnot et al. (Fearnot et al.), and U.S. Pat. No. 5,628,788 to Pinchuk (Pinchuk), which were cited by the Examiner under the obviousness rejection, were discussed.

Applicants' representatives emphasized that none of the cited references, alone or in combination teach 1) a *tissue* graft that has the property of eversion upon placement in a blood vessel if not supported, and 2) a tubular member, which is disposed over the tissue graft and around the first stent and that retains the tissue graft disposed on the first stent solely by compressive forces.

The Examiner suggested that Applicants further amend the independent claims to clarify that the compressive forces are provided at least by an outward expansion of the first stent. Applicants agreed to file supplemental claim amendments along the lines

of those discussed with the Examiner at the interview. The Examiner agreed to enter the proposed claim amendments and indicated that such claim amendments would likely distinguish Applicants' invention from the cited references.

Also, the Examiner asked that Applicants provide support from the specification for the limitation "a tissue graft having the property of eversion upon placement in a blood vessel if not supported." As indicated in the Amendment and Response dated March 23, 2009, support for the limitation may be found throughout the instant specification, including at page 4, lines 3-8 and last paragraph continuing at page 5, lines 1-10; and at page 16, lines 3-6.

Applicants believe that the present claim amendments and remarks address the remaining concerns of the Examiner.

REMARKS

During the interview with Applicants' representatives, the Examiner suggested that Applicants further amend independent claims 1 and 20-22 to clarify that the tubular member, which is disposed over the tissue graft and around the first stent, retains the tissue graft disposed on the first stent solely by compressive forces, wherein *the compressive forces are provided at least by an outward expansion of the first stent*. Accordingly claims 1 and 20-22 were amended to recite the limitation "said tubular member being disposed over said tissue graft and around said first stent and retaining said tissue graft disposed on said first stent solely by compressive forces, *wherein the compressive forces are provided at least by an outward expansion of the first stent*."

As set forth in the Amendment and Response dated March 23, 2009, neither of the primary references (Love and Pinchuk) teach or suggest Applicants' inventions of claims 1 and 20-22¹. Regarding the U.S. Pat. No. 6,214,039 to Banas et al. (Banas et al.), which was cited by the Examiner to overcome the deficiencies of Love and Pinchuk, Applicants point out that Banas et al. do not teach or suggest that the

¹ Arguments presented at pages 8-19 of Applicants' Amendment and Response dated March 23, 2009 are incorporated herein by reference.

compressive forces are provided at least by an outward expansion of the first stent to retain the *tissue graft* in place. Rather, Banas et al. teach a stent-graft assembly where a *PTFE graft* is retained about the stent by inherent radial *recoil force* of the graft upon the stent. As such, the teachings of Banas differ from the claimed inventions.

Moreover, Banas et al. do not teach or suggest whatsoever an outer stent (i.e. tubular member) where the outer stent is disposed over a tissue graft and around an inner (i.e., first expandable) stent, as required by Applicants' claims 1 and 20-22. Rather, Banas et al. simply teach a single stent, which is covered by a tubular PTFE graft. As such, any delivery catheter or a sheath retracted from the stent-graft assembly during deployment of the stent-graft assembly may pull back on the PTFE graft placed over the stent and cause displacement of the graft from the stent-graft assembly.

For the foregoing reasons and in addition to reasons presented in Applicants' Amendment and Response dated March 23, 2009, Applicants request that the 35 U.S.C § 103(a) rejection of claims 1, 6, 9-11, 14, 17, 18 and 20-22 as being unpatentable over Love in view of Robinson et al. and further in view of Banas et al.; rejection of claims 4, 5, 7 and 8 as being unpatentable over Love in view of Robinson et al. and Banas et al. and further in view of Fearnot et al.; and rejection of claims 1, 12 and 16 as being unpatentable over Pinchuk in view of Fearnot et al. and Banas et al. be withdrawn.

SUMMARY

Applicants respectfully submit that the present application is now in condition for allowance. If, for any reason, the Examiner feels a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned at (312) 245-5398.

Respectfully submitted,

/Magdalena Cilella, Reg. No. 56,619/
Magdalena O. Cilella, Ph.D.
Registration No. 56,619
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200